In the Supreme Court of the United States

OCTOBER TERM, 1956

No. 11, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

MEMORANDUM FOR THE UNITED STATES REGARDING THE MOTION OF THE STATE OF TEXAS FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE

On May 27, 1957, the State of Texas submitted its brief as *amicus curiae* and moved for leave to file it herein. Its stated purpose is to urge the Court to decide this case in a way that will be limited to the State of Louisiana (Brief, 1). Specifically, Texas urges that it has a maritime boundary three leagues from the coast, and that any declaration of a general three-mile rule should recognize the existence of an exception in the case of Texas or at least should be without prejudice thereto (Brief, 4).

In support of its position, Texas refers to various historic episodes which it asserts amounted to recognition by the United States of the validity of the Texan claim. Some of them were relied on by Louisiana in its Fourth Defense (Answer, 21–24) and so were discussed by the parties in their briefs on the Government's motion for judgment (Government's

brief in support of motion, 138–148; Louisiana's brief in opposition, 96–106; Government's reply brief, 16–21). Others are new; and in addition to those stated, Texas asserts broadly the existence of "a host of diplomatic correspondence, records of treaty negotiations, State and Federal Statutes, legislative histories and court decisions" which support its claim (Brief, 6–7).

The untimeliness of Texas' application and the incompleteness of its discussion (see Brief, 3, 6) make it impracticable, even if it were otherwise appropriate, to undertake here any comprehensive argument on the merits of Texas' claims. If Texas had filed its brief before argument, as it had a right to do under Rule 42, Paragraph 4 of this Court's Rules, it would have been entirely proper for it to argue its points to aid the Court in the determination of those issues in this case in which Texas has an interest. But since Texas has presented its brief long after the case was submitted to the Court for decision and at a time in the Term when further briefing would seem inappropriate, we urge that the views of Texas on the issues before the Court should be given consideration only as a reminder that the Court does not have before it Texas's claims.[1]

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.

MAY 1957.

---

[1] In the Brief of the United States in support of its motion for judgment it was stated at page 150: "We shall not attempt in this case to argue the rights of either Texas or Florida under the Submerged Lands Act with respect to the continental shelf adjacent to their shores."

U. S. GOVERNMENT PRINTING OFFICE: 1957